

LAKE COUNTY BOARD of ADJUSTMENT
April 11, 2018
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Don Patterson, Frank Mutch, Steve Rosso, Merle Parise, Mary Jensen

STAFF PRESENT: Jacob Feistner, Rob Edington, Lita Fonda

Frank Mutch called the meeting to order at 4:02 pm

HB AG INVESTMENTS VARIANCES—FINLEY POINT (4:02 pm)

Rob Edington noted that agent Jeff Gallatin was here on behalf of the applicants. Rob presented the staff report. (See attachments to minutes in the April 2018 meeting file for staff report.) He handed out an updated site plan and also pointed out various features in attachment #7. Regarding item g on pg. 7, he mentioned it might be possible to adjust the property line a bit to the south but it would begin to encroach on the gazebo, which the owners would like to remodel.

Frank asked about the toxic materials mentioned on pg. 11 in item #4. Rob explained that #4 reflected the narrative statement (attachment #4) submitted by the designer for the project. Frank said he would assume this was old treated logs. Frank confirmed with Rob that attachment #5 was the existing cabin. On the site map, Frank asked if the cabin was rebuilt or replaced. Rob clarified that they were going to tear it down and build it new. On the boundary line adjustment, Frank asked if the possibility existed to move the southern line. Steve observed this was between lots 4 and 5. Rob indicated a property line that they could move slightly. In response to questions, Rob clarified locations of the boulevard strip/villa strip, property line and setbacks on the map. In this vicinity, there were no villa strips. He referred to attachment #8, which illustrated the property boundaries more clearly with dotted lines. The 30-foot boulevard strip could also be seen. It didn't include the setbacks.

Steve asked for more information about the boulevard strips and rules. Rob replied that several projects had gone through this process where Lake County required an encroachment permit for development within the County rights-of-way, which included the boulevard strip. These were reviewed and approved by the Commissioners. They also required a waiver of non-protest in case at some point in time a lease agreement was required to use that property. That protest agreement was not a waiver to protest the cost. The idea of the program was to administer the use of that [boulevard strip] property, not to generate income for the County. Frank asked if the ownership had been federal and was now county. Rob said that was a lengthy discussion. Currently they were under the assumption that it was property under the jurisdiction of the County. Other entities might have a different opinion. Rob thought the property was not taxed because it wasn't included in the owners' total gross acreage. He referred to the property as 'lake access'

instead of 'lakefront'. Property owners didn't legally own that boulevard strip but had access to it.

Steve asked about the side property lines and the ownership of multiple adjoining 50-foot wide lots. Most people he knew of owned more than one 50-foot lot. Previously the internal lot lines had not been an issue when he built. Rob described that the planners during his tenure interpreted the internal lines as property lines. His understanding was there had been cases where an owner sold one of the properties. What happened if a property went into foreclosure and one lot was lost, or one lot was sold due to hardship? He affirmed that if someone wanted to build across one of those property lines, they would have to combine the properties or something like that. He gave other examples.

Steve confirmed with Rob that they were moving the new cabin back a few feet so they didn't need an encroachment permit. Was there a setback required? Rob provided that they were considering the 50 feet from the lake as the overriding setback. The side setback was 16 feet. Steve said they would be right against the west property line by the boulevard property line. Rob confirmed for Mary that this was where the property corner was located.

Frank summarized that with property lines, an owner could choose to do a property line adjustment, aggregate or leave as is. Setbacks would apply. Rob said if this variance was denied for the southern line, they would have to adjust the boundary. Steve added they could move the [inaudible], and Frank suggested they could aggregate.

Steve asked about the right-of-way from Hwy 35. It looked like it was 60 feet wide on each side of the center line by lot 3 and then jumped to 180 feet wide for the two adjacent lots. Rob speculated that part of it might have been due to slopes when the right-of-way was procured or the additional right-of-way might be needed to maintain the slope stability of the highway. Steve asked where the driveway would end in the future, since it wouldn't go in front of the new cabin. Rob said they had a topographic survey planned for this portion. That might be a requirement for their zoning conformance. [The road] seemed to go pretty close to the existing then switched back to the boat house, which was a little tighter turn but possible. Steve checked that they would revegetate the road portion close to the water. Rob guessed the driveway end would be between 20 and 30 feet from the high water mark. He didn't know details there. The [road] area in front of the house would go away. He and Steve mentioned [the current set-up] was neither family-friendly nor lake-friendly. The yard was the road. Rob added another consideration was that this would be the guest house in the future rather than the primary residence so he thought most of the parking would be at the main house and most parking down to the lake would be related to hauling a boat trailer and the like. The new building was proposed such that it would block access for the road going around. That would be a walking path or possibly one for ATV's.

Jeff Gallatin, agent, spoke regarding the project. Regarding the hazardous materials, that was a narrative written by Rich Graves. Jeff thought he was referring to the lack of a septic system and with the existing structure, they didn't know what materials were in

there. They didn't know if there was vermiculite in the cabin or what was under the cabin. Most of the structure was log. In response to questions, Jeff thought you would be able to come down the access road and turn into the boathouse. They cleared the access road that had been cut into the bank and grown over. The idea was that the parking and garage would be up above when the primary residence was built. You could use the road to come down and unpack. They wouldn't have a boat trailer down there except for maybe a jet ski. The proposed boathouse was proposed for boats that you wouldn't be able to back down there. They'd be coming and going from the water. A rail system would come into the boathouse.

No public present to comment.

Steve said the 50-foot setback was there to try to protect the lake through a mix of items. They needed to do a really good job of making the 30 feet effective with a good vegetation plan and those kinds of things, if they were going to shorten the distance. In item f.i on pg. 17, he added 'along with an approved vegetation plan for all disturbed areas and the buffer strip' to this finding of fact. Condition #6 already covered this there. In condition #10, he asked about Lakeshore Construction Permit 18-16F. Rob replied that this was for accessing the lakeshore protection zone. This was required for general access if there would be equipment or building activity within 20 feet of the lake. He gave examples of access for equipment. It had not yet been issued but it had been submitted. If the applicants were doing additional work beyond the terms and conditions of the permit, they would need additional permitting.

Rob clarified for Frank that the zero feet from the property line was 'as is'. If they were able to move it north, he didn't have an exact distance. That would be up to the Board. Frank thought they'd want to tie down what was being permitted. Jacob said this approval could be reinforced by the zoning conformance permit. Rob thought that 27 ½ feet was roughly what they'd measured. He wasn't sure how the eaves played into that. They wanted to move it outside the boulevard strip. This was presented as the minimum variance. If they moved it farther from the lake, this condition was still valid.

Motion made by Frank Mutch, and seconded by Don Patterson, to approve the variances as stated subject to the findings of fact, conditions and terms as amended. Motion carried, all in favor.

MINUTES - Deferred

OTHER BUSINESS (4:50 pm)

Frank Mutch, chair, adjourned the meeting at 4:50 pm.